

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

IN RE:

**Bankruptcy Case
No. 08-35653-KRH**

CIRCUIT CITY STORES, INC., et al.,

Chapter 11 (Jointly administered)

Debtors.

**RESPONSE TO THE LIQUIDATING TRUST'S FOURTEENTH OMNIBUS
OBJECTION TO CLAIMS (REDUCTION OF CERTAIN PARTIALLY INVALID
CLAIMS, RECLASSIFICATION OF CERTAIN MISCLASSIFIED CLAIMS,
DISALLOWANCE OF CERTAIN INVALID CLAIMS, DISALLOWANCE OF
CERTAIN LATE FILED CLAIMS, DISALLOWANCE OF CERTAIN DUPLICATE
CLAIMS, AND DISALLOWANCE OF CERTAIN AMENDED CLAIMS)**

Crossways Financial Associates, LLC, a Virginia limited liability company ("Crossways"), appears before the United States Bankruptcy Court for the Eastern District of Virginia, Richmond Division ("Bankruptcy Court"), in response to the Liquidating Trust's fourteenth omnibus objection to claims (reduction of certain partially invalid claims, reclassification of certain misclassified claims, disallowance of certain invalid claims, disallowance of certain late filed claims, disallowance of certain duplicate claims, and disallowance of certain amended claims) (collectively, "the Objection"). The Objection was filed in the Bankruptcy Court on February 27, 2011 as Docket Number 10052. In response to the Objection, Crossways states as follows:

1. In the Objection, the Liquidating Trust objects to Crossways' claim on the basis that it filed duplicate or amended claims that supersede the prior claims. Based on the

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information contained in the Objection, Crossways filed claim number 7662 on February 2, 2009 in the amount of \$47,618.08. Crossways also filed claim number 11982 on March 31, 2009 as an administrative claim in the amount of \$21,576.83 and a general unsecured claim in the amount of \$683,690.71. Crossways also filed claim number 12030 on March 27, 2009 as an administrative claim in the amount of \$21,576.83 and a general unsecured claim in the amount of \$683,690.71. Under the proposed Order only claim number 12030 survives, and it is reduced to a general unsecured claim in the amount of \$677,949.21. Crossways does not seek to be paid twice, but does object to any reduction of its claim.

2. According to the claims register maintained by the Bankruptcy Court on its website, Crossways' claims are designated as Claim No. 155 and 184. Claim No. 155 was filed January 29, 2009 in the amount of \$47,618.08 based on the failure to pay rent from November 1 to November 17, 2008. Claim No. 184 was filed March 27, 2009 in the amount of \$705,267.54 reflecting additional damages as a result of the rejection of the underlying real estate lease on March 10, 2009.

3. Crossways does not object to the disallowance of any duplicate claims that the Liquidating Trust believes to exist, so long as the full amount of Claim No. 184, as reflected on the claims register of the Bankruptcy Court is retained in whichever claim survives. Crossways' consent to the disallowance of any duplicate claims does not have, and should not be construed to have, the effect of negating its claim in the amount of \$705,267.54.

4. The Objection further states that claim number 12030 should be reduced to a general unsecured claim in the amount of \$677,949.21 with the following basis: "Reduce by \$21,576.83 for prepetition rent, \$3,641.50 for attorney fees and \$2,100 for sign removal according to the Debtor's books and records." (Objection Ex. C).

5. The Objection provides insufficient information for Crossways to respond to these proposed reductions. Crossways does not intend that any administrative claim seek recovery for prepetition rent. Crossways further states that the lease attached to its proof of claim provides for attorneys' fees and other damages necessary to prepare the property for reletting.

6. Crossways opposes the Objection only to the extent that it seeks to disallow Claim No. 184, as shown on the claims register.

WHEREFORE, Crossways Financial Associates, LLC, a Virginia limited liability company, prays that Claim No. 184 (as shown on the claims register), be allowed in the amount of \$705,267.54, that the Objection be overruled to the extent it seeks to disallow Claim No. 184, and for such other and further relief as appropriate.

Dated: April 7, 2011

**CROSSWAYS FINANCIAL
ASSOCIATES, LLC**

By: /s/ Paul K. Campsen
Of Counsel

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CERTIFICATE OF SERVICE

I certify that on this 7th day of April, 2011, a true copy of the foregoing pleading was served electronically upon all parties receiving notice via ECF and via electronic mail and U.S. Mail to the following counsel for the Liquidating Trust:

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